



IT IS ORDERED as set forth below:

Date: October 5, 2021

**Sage M. Sigler
U.S. Bankruptcy Court Judge**

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

**UA INVESTMENTS LLC,
Debtor.**

**PALAK CAPITAL INVESTMENTS LLC,
Movant,**

v.

**UA INVESTMENTS LLC,
Respondent.**

**CASE NO. 21-57429-sms
CHAPTER 11**

CONTESTED MATTER

ORDER

This matter is before the Court on the *Motion to Annul Stay and Validate Post-petition Foreclosure Sale (Including Emergency Request to Cry Pending Foreclosure Sale)*, or in the *Alternative, Motion for Relief From Stay* (the “Motion”) filed by Movant named above (the “Movant”) on October 4, 2021 (Doc. No. 4). In the Motion, the Movant seeks relief from the automatic stay under 11 U.S.C. § 362(a) to conduct a nonjudicial foreclosure sale under Georgia

law (the “Foreclosure Sale”) with regard to certain real property described in greater detail in the Motion (the “Property”). Further, Movant requested that the Court address the Motion on an emergency basis so as to permit Movant to cry the Foreclosure Sale already advertised to occur on October 5, 2021 (the “Scheduled Foreclosure Date”), reserving final consideration of the Motion for a hearing to be held on a nonemergency basis.

The Motion came before the Court for a preliminary hearing (the “Hearing”) on October 5, 2021. Present at the Hearing were Aaron Anglin on behalf of Movant, Lindsay Kolba on behalf of the United States Trustee, and Eric Thorstenberg on behalf of UA Investments LLC. The Court heard argument from the parties present at the Hearing.

Based on the foregoing, and for good cause shown, it is hereby **ORDERED** that the Motion be, and the same hereby is, **GRANTED IN PART** as follows:

1. The automatic stay is **modified** as to Movant so that it may exercise its state law and contract rights with respect to the Property *solely* to the limited extent that Movant may cry the Foreclosure Sale on the Property on the Scheduled Foreclosure Date, but that Movant may only *conditionally* accept the high bid at such sale *expressly conditioned* on (i) Movant’s obtaining further relief from stay to permit such actions, or (ii) this case being dismissed by a subsequent order of this Court (the “Conditions”). In addition, Movant may not record a deed under power of sale or take any other action to complete or consummate the Foreclosure Sale until at least one of the Conditions is satisfied.

2. The restricted grant of relief on the Motion granted herein is expressly intended to preserve any and all rights of the Debtor in their equity of redemption regarding their interest in the Property under state law. This Order does not lift the automatic stay to permit the termination

of the Debtor's equity of redemption, which will remain in effect with regard to the equity of redemption until at least one of the Conditions is satisfied.

3. By proceeding with the Foreclosure Sale pursuant to this Order, Movant waives any argument that the equity of redemption has terminated as a result of its conduct of the Foreclosure Sale as permitted herein.

4. This Order is effective upon entry and is not stayed under Federal Rule of Bankruptcy Procedure 4001.

5. A final hearing on the Motion will be held on the **17th** day of **November, 2021**, commencing at **11:00 a.m.** in **Courtroom 1201**, at the **Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia**. Matters that need to be heard by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court. Please review the "Hearing Information" tab on the judge's webpage, which can be found under the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the webpage for this Court, www.ganb.uscourts.gov for more information.

[END OF DOCUMENT]

Prepared and presented by:

JONES & WALDEN LLC

/s/ Aaron Anglin

Leon S. Jones, Georgia Bar No. 003980

Aaron Anglin, Georgia Bar No. 585863

Attorneys for Movant

699 Piedmont Ave., NE, Atlanta, Georgia 30308

(404) 564-9300

anglin@joneswalden.com ljones@joneswalden.com

Distribution List:

Aaron Anglin, Jones & Walden LLC, 699 Piedmont Ave., NE, Atlanta, Georgia 30308

Eric Thorstenberg, Eric E. Thorstenberg, Attorney at Law, Suite 101, 333 Sandy Springs Circle, Atlanta, GA 30328

Lindsay P. S. Kolba, Office of the U.S. Trustee, Suite 362, 75 Ted Turner Drive, S.W., Atlanta, GA 30303

UA Investments LLC, 311 Heritage Park Trce NW, Kennesaw, GA 30144-4832